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# City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

Robert J. Riggio, Special Magistrate

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## January 25, 2022 Minutes

### Attendees:

Robert J Riggio, Special Magistrate

### Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Cortland Lampe, Police Liaison

Mr. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

Mr. Kevin Yates, Code Inspector

Ms. June Barnes, Board Secretary

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:04 a.m. and announced the procedure for the meeting.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases in Compliance.

**CASE # 18 - RTL 11-21-231 - Paratus Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **221 Short St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2021.

*Compliance 1-24-2022*

**CASE # 21 - RTL 11-21-237 - Harold V Lucas Jr TR** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2324 S Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

*Compliance 1-24-2022*

**CASE # 22 - RTL 11-21-239 - Harold V Lucas Jr TR** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **300 Jefferson St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

*Compliance 1-24-2022*

Mr. Riggio approved the minutes for the November 23, 2021.

Ms. Barnes swore in members of the staff who will be testifying.

Mr. Riggio called the first new case.

**CASE # 1 - RTL 01-22-05 - Valerie D Hamm & Thomas C Hamm** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **341 Fairview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated the property failed inspection on December 22, 2021 and no re-inspection has been scheduled. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 2 - RTL 01-22-06 - Stephen E Wright** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **318 Phoenix Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/21/2021.

The Board Secretary stated she has an email from the owner giving Ms. Smolinski permission to speak on her behalf.

Marti Smolinski, Property Manager, appeared via Zoom and was sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated the property is tenant occupied. She stated she has had contact with the tenant and the owner and they are making progress. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 3 - RTL 01-22-07 - Gracie Guest Batts** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **931 Vernon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/17/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated she verified in May the property was occupied by a tenant. She stated the owner is deceased and the heirs need

to go through the probate process. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day. It is further ordered that the name of the Respondent be changed to Gracie Guest Batts Estate to reflect the current owner.

**CASE # 4 - RTL 01-22-18 - GEA Seaside Investments Inc.** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **121 S Grandview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/14/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated the license on the rental property expired and has not passed inspection since 2018. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 5 - RTL 01-22-19 - Sunwest Trust, Inc. Custodian FBO J Fran Lasseter Roth IRA** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **547 Division St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/4/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property and is tenant occupied. She stated she had contact with the owner and property manager and application has been submitted. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 6 - RTL 01-22-01 - Sybil Redhead EST** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **113 Azalea Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/8/2020.

Respondent was not present.

Inspector Cole stated the property failed the last inspection on January 20, 2022 and is asking for a finding of Non-Compliance and next cutoff to come into Compliance. He stated this property was acquired through adverse possession.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 7 - RTL 01-22-02 - Salimatu Kaka Musa** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **164 Tarracina Way**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2021.

Respondent was not present.

Inspector Cole stated the property owner called this morning and he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 8 - RTL 01-22-03 - David W Glasser TR & George V Wrend Revoc Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **146 Kingston Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/26/2021.

Respondent was not present.

Inspector Cole stated at the last inspection on January 18, 2022 the property was not in Compliance. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 9 - RTL 01-22-04 - Calvary Global Ministries Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **210 N Peninsula (313 Earl)**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/9/2021.

Respondent was not present.

Inspector Cole stated the property failed the last inspection on January 18, 2022 and is not in Compliance. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 10 - RTL 01-22-15 - NRRR Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1051 E Patrick Cir**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/10/2020.

Respondent was not present.

Inspector Cole stated the property failed inspection on October 28, 2021. He stated re-inspection is scheduled for January 28th and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 11 - RTL 01-22-17 - Kinsey Whaley** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **135 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/19/2021.

Mr. Kinsey Whaley came forward and was sworn in.

Inspector Cole stated the Respondent filed for a license, fees are due and no inspection has been scheduled. He stated he is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 12 - RTL 01-22-24 - Daytona Beach Investment Property Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **709 Mulberry St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2021.

Respondent was not present.

Inspector Cole stated at the last inspection the property was not in Compliance and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 13 - RTL 01-22-25 - R Lawrence Vandenberg** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **299 Woodland Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/6/2021.

Mr. Walter Snell, Respondent's attorney came forward. Mr. Lawrence Vandenberg also came forward and was sworn in.

Inspector Cole stated the property was not in Compliance at the last inspection.

Mr. Snell stated the Respondent does not need a rental license and is trading healthcare services with the tenants of the guest house. He stated he has a survey with the guest house on it and that the house is occupied by 2 people and not a family. He stated they are paying no

rent, and both have outside jobs, but assist Mr. Vandenburg with his health care. He stated Mr. Vandenburg built a walkway to connect the guest house to his property.

Inspector Cole stated there are 4 unrelated individuals on the property which is in violation of the ordinance that stated no more than 3 can occupy the parcel.

Mr. Vandenburg stated he purchased the house in 2014.

Mr. Snell stated that the people living in the guest house are at-will tenants and Mr. Vandenburg can ask them to leave at any time.

Captain Scott Lee stated the City would like to continue the case to next month.

**DISPOSITION:** The Special Magistrate continued the case to the March 22, 2022 meeting for a finding of Compliance or Non-Compliance and the determination of a Compliance date.

**CASE # 14 - RTL 01-22-26 - B&B 2421 N Oleander Ave LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2421 N Oleander Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/5/2020.

Mr. William Barkett, President of the LLC, came forward and was sworn in.

Inspector Cole stated the property was not in Compliance on January 18, 2022. He stated he scheduled inspection for 4 units on June 28, 2021. He stated the Respondent was not able to contact one of the tenants and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Barkett stated he has receipts for where he fixed the little things but still has some large things like a window to fix. He stated he emailed receipts to Inspector Cole. He stated the window has been paid for but will not be finished until March.

Inspector Cole asked the Respondent if he had fixed the life-safety issues such as smoke detectors.

Mr. Barkett stated yes. He stated everything will be done by March.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 15 - RTL 01-22-20 - Juan Manuel Tlaxcuapan Ramirez & Diana Ester Rodriguez** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **505 Model St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/17/2020.

Mr. Juan Ramirez came forward and was sworn in.

Inspector Recanzone stated that this is an unlicensed rental property. He stated the Respondent has applied for the license and had a rental inspection scheduled in January but it was

rescheduled due to tenant's medical issues. He stated is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Ramirez stated he was ok with it.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CONTINUED CASES:**

**CASE # 16 - RTL 09-21-207 - Donald R & Annette M Emery** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **116 Sunrise Blvd & 2049 Blais Ave (Parcel ID 5316-18-00-1320)**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/19/2021.

Mr. McGregor Love, attorney, appeared via Zoom.

Inspector Tomengo stated she has been in contact and the owner needs a use determination. She stated she received an email on January 18 stating the use determination was still in process and is asking to amend to the next cutoff for compliance.

Mr. Love stated that is acceptable.

Inspector Tomengo stated there are 2 properties on one parcel and the parcel is not zoned for multi-family.

Mr. Love stated he spoke to the City Attorney yesterday and Rose Askew and confirmed determination has not been issued. He stated they started the process in October of last year.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 17 - RTL 11-21-230 - GEA Seaside Investments Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **23-25 S Peninsula Dr**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/4/2020.

Respondent was not present.

Inspector Tomengo stated she has had no contact with the Respondent and the property is still in Non-Compliance. She stated she is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Riggio asked if the property was tenant occupied.

Inspector Tomengo stated yes.

Mr. Jackson stated he received an email from the attorney who claims to represent the property owner recently.

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective November 23, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 19 - RTL 11-21-234 - RE Equity Investment Group LLC & Juanny Paulino** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **505 5th Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/19/2021.

Respondent was not present.

Inspector Tomengo stated she has had contact from the owner and the property changed ownership. She stated she would like to add the new owner to the case and amend until the next cutoff for Compliance.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It was further ordered that the new owner, Daytona 19 LLC be added to the case.

**CASE # 20 - RTL 11-21-235 - RE Equity Investment Group LLC & Juanny Paulino** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **115 S Grandview.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/2/2021.

Respondent was not present.

Inspector Tomengo stated this property is the same owner as the last case and notified her the property has been sold. She stated she is requesting to add the new owner to this case as well and amend to the next cutoff.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It was further ordered that the new owner, Daytona 19 LLC be added to the case.

**CASE # 23 - RTL 11-21-240 - Robert J & Rita I Van Winkel** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1600 Big Tree Rd #D8.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/7/2020.

Mr. Robert Van Winkel, owner, and Mr. Tarek Nuemo, Property Manager, came forward and were sworn in.

Inspector Tomengo stated the property was scheduled for inspection on November 30<sup>th</sup>. She stated she received a call from the Property manager to reschedule stating the tenant is vacating the property and the re-inspection was scheduled for December 9<sup>th</sup>. She stated she received a call from the Property Manager on December 7<sup>th</sup> stating that they were selling the property and not going to rent. He stated the purchaser is going to occupy the property.

Mr. Riggio stated the Respondents needs to sign an Affidavit not to rent and the property will be in Compliance.

**DISPOSITION:** The Special Magistrate continued the case to the February 22, 2022 meeting for a finding of Compliance or Non-Compliance and the determination of a compliance date.

**CASE # 24 - RTL 11-21-250 - Realtime Fantasy Solutions LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **552 Pelican Bay Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2021.

Respondent was not present.

Inspector Tomengo stated the property is scheduled for re-inspection on January 31 and is asking to amend to the next cutoff.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 25 - RTL 08-21-181 - Alexander Contreras** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **518 Cannon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/10/2021.

Respondent was not present.

Inspector Cole stated he has had no contact with the respondent and no progress has been made. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective January 25, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 26 - RTL 08-21-182 - Cash Flow Links Florida LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **854 Derbyshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/12/2020.

Mr. Henry Hill, Property Manager, came forward and was sworn in.

Inspector Cole stated he has had contract and the owner is making progress. He stated he inspected the property yesterday and the life safety issues are all fixed except the windows and he is requesting to amend to the next cutoff for Compliance.

Mr. Hill stated the outside violations are still outstanding.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 27 - RTL 11-21-242 - TRSTE LLC TR as Trustee of the Lenora Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **818 Lenora St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated he has had no contact and no progress has been made and he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Riggio asked the nature of the violation.

Inspector Cole stated failure to obtain a rental license.

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective January 25, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 28 - RTL 11-21-243 - TRSTE LLC TR as trustee of the 455 Pleasant Street Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **455 Pleasant St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/27/2020.

Respondent was not present.

Inspector Cole stated he has had no contact and no progress has been made. He stated

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective January 25, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 29 - RTL 11-21-244 - TRSTE LLC TR as trustee of the 942 W Millard Court Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **942 W Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated he has had no contact and no progress has been made. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective January 25, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 30 - RTL 11-21-246 - TRSTE LLC as Trustee for the 529 Arthur Ave Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **529 Arthur Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent and there has been no progress. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

**DISPOSITION:** The Special Magistrate imposed a fine in the amount of \$100 per day, effective January 25, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 31 - RTL 11-21-245 - Audrey Broxton** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **824 Derbyshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the owner and inspected the property on January 7. He stated there are significant repairs that need to be made and requesting to amend to the next cutoff for Compliance.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

## 5. Lien Reviews

**LR-1 - RTL 07-21-144 - 930 Berkshire Rd - Resource Properties Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2020. **Order Imposing Fine-Lien of \$100 per day, effective August 24, 2021, to a maximum of \$15,000. Compliance = September 30, 2021. Amount due: \$3,700 plus \$24 recording fees = \$3,724.00.**

Ms. Charlene Hartley, owner, came forward and was sworn in. She stated she did not realize she needed a permit and when she did, she corrected the violations. She stated she tried to find someone for the permit but that it was difficult and she is busy. She apologized for missing the meeting. She stated eventually she was able to get assistance from her son's boss to get it done.

Inspector Kevin Yates stated there is currently an open case on the property and he is requesting no reduction.

Ms. Hartley stated she calls the tenant and asks him not to park there but he still does it. She stated he works at a tire store and brings them home.

Mr. Jackson stated the case went on for about 6 months before fine was imposed in August. He stated by September the Respondent was in Compliance except for the window. He stated the property failed inspection in January of 2020 and in August was given notice of the hearing.

Neighborhood Services Manager stated staff is requesting no reduction.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$524 payable within 30 days or the fine reverts back to the original amount.

**LR-2 SMG 05-21-127 - 590 Shady Pl - Stephanie Robinson (New owner is Bank of New York Melon)** is cited for failure to correct violations of Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3 (Ref. FBC Supp. IPMC 302.7, 304.2, 304.7, 304.10, 304.15). Violation(s) – Unpermitted Construction/renovation to shed, damaged/chipped wood on exterior door and stairs, chipped/peeling paint on exterior walls, unprotected/exposed wood on fascia board/roof trim. First Notified – 7/16/2020. **Order Imposing Fine/Lien of \$100 per day imposed on June 3, 2021 to a maximum of \$15,000. Amount due: \$11,300.00 plus \$24 recording fees = \$11,324.00.**

Ms. Jennise Rodriguez, legal counsel, appeared via Zoom.

Captain Scott Lee stated the City is seeking to release the lien. He stated we filed the lien after Judgment of Foreclosure and after Lis Pendens. He stated notice was never given to the bank. He stated it took an extended time for the foreclosure to end and the foreclosure sale was in March of 2020 due to COVID. He stated the violations are from a previous owner and the City is asking for the elimination of the lien. He stated the Cares act was lifted on 12/6/2021 and the Certificate of Title was issued 3 days later.

**DISPOSITION:** The Special Magistrate released the lien from the parcel only. The respondent, Stephanie Robinson remains encumbered.

The morning session was recessed at 10:59 a.m.

The afternoon session was called to order at 1:04 p.m.

City staff was re-sworn in.

### **IRREPARABLE/IRREVERSIBLE**

**CASE # 32 - RTL 01-22-14 - Conrado Marino & Lucy Blake-Marino** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **565 Bellevue Ave.** Violation(s) – Zoning violation - the property is zoned RDM5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/7/2021.

Lucy Blake-Marino came forward and was sworn in.

Inspector Recanzone stated the property is located in RDM5 zoning district where short-term rentals are not allowed. He stated the property is actively advertising and has had 28 reviews. He stated the daily rate is \$194 per night and check in time is 4:00 p.m. and check out time is 10 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Jackson stated the violation is Irreparable and Irreversible according the Florida Statutes Chapter 162. He stated the respondents had beneficial gain from posting the property and that it was advertised worldwide which draws people to special events and area destinations. He stated it cannot be unadvertised and can be printed, copied, tweeted and posted for future reference. He stated the advertising is still accessible and that one day can book a stay for a year. He stated the violation is of a detriment to hotels and motels and is unfair to other business

accommodations. He stated the respondent avoids paying the insurance and tax. He stated the stays are of a transient nature and affects the neighborhood's parking, noise level, safety and peace and enjoyment of the resident's property. He stated the business community demands strong deterrence and fines are the only deterrent available. He requested the Magistrate look at the gravity, the fact the violation is irreparable and irreversible in nature and response for compliance.

Ms. Marino stated she is a first time investor and her husband did the maintenance and there was no ill intent. She stated they paid the Volusia transient tax and disabled the ad. She stated they moved to Edgewater and have the property listed for sale. She stated she fixed up the property and tried a lock on the house for about 4 months. She stated no neighbors complained.

Mr. Jackson stated there were 28 reviews over a period of 7 months.

Inspector Recanzone stated they were advertising the property until yesterday.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of January 2, 2022. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 33 - RTL 01-22-09 - Entrust Administration Services Inc FBO James D Spencer IRA** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **317 Glenview Blvd #2**. Violation(s) – Zoning violation - the property is zoned MFR-12. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 11/18/2021.

Respondent was not present.

Mr. Riggio asked if the respondents were notified.

Ms. Barnes stated she received both certified mail receipts for the owner and registered agent.

Inspector Recanzone stated as of December 6, the property was not actively advertising. He stated there were 91 different reviews on the property. He stated the website shows check in time at 3 p.m. to 12 a.m. and check out time is 12 a.m. He stated the violation is irreparable and irreversible and he received a quick response. He stated he is requesting a fine in the amount of \$1,000.

Mr. Riggio asked if the property was available for rent for the 18 days from notice and stated that the violation could have been resolved immediately.

Mr. Jackson stated City staff supports the Magistrate's position of being overly sympathetic and the consistency that the Magistrate seeks and would adopt his prior argument of irreparable and irreversible.

Inspector Recanzone stated there is no way to know if the property was rented.

Mr. Riggio asked if the property owner was in contact with the inspector.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 6, 2021. He ordered that a one-time fine in the amount of \$7,500 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 34 - RTL 01-22-10 - Thomas Francesca** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1361 Verona St.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 11/29/2021.

Ms. Francesca Thomas came forward and was sworn in.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not allowed in this zoning district. He stated the owner is no longer advertising as of November 29<sup>th</sup>. He stated the property has had two reviews, the cost is \$125 per night, check-in time is 3 p.m. and check-out time is 11 a.m. He stated the violation is irreparable and irreversible and the respondents were quick to respond so he is requesting a one-time fine in the amount \$1,000. He stated he can only prove the advertising for November 29<sup>th</sup>.

Ms. Thomas stated she lost her mother and expenses were growing. She stated her niece in New York helped her set it up and let it there. She stated she learned her lesson and thought the Notice was bogus.

Mr. Jackson stated code liens attached to property and the individual.

Ms. Thomas asked if it was zoning or advertising.

Inspector Recanzone stated advertising and that his evidence is the advertisement.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of November 30, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 35 - RTL 01-22-12 - Jose Lopez** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **345 Morningside Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/2/2021.

Mr. Jose Lopez came forward and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5. He stated short-term rentals are not allowed in the zoning district. He stated the owner is no longer advertising as of December 2, 2022. He stated there are 37 reviews at \$129 per night, check-in time is 2 p.m. and check-out time is 11 a.m. He stated the violation is irreparable and irreversible and the owner acted quickly so he is asking for a one-time fine in the amount of \$1,000.

Mr. Lopez stated he heard Mr. Jackson's irreparable argument and that he received notice on December 2<sup>nd</sup> and took it down. He stated he cancelled all of the reservations and sent an email to the inspector on December 3<sup>rd</sup>.

Mr. Jackson stated staff feels the violation is consistent with a fine of \$1,000.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 6, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 36 - RTL 01-22-13 - Samuel Telford Huggan** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **559 Live Oak Ave.** Violation(s) – Zoning violation - the property is zoned RDM6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/1/2021.

Mr. Samuel Huggan appeared via Zoom and was sworn in.

Inspector Recanzone stated the property is zoned RDM6 and short-term rentals are not allowed in this zoning district. He stated he found the listing on December 1<sup>st</sup> and by December 7<sup>th</sup> the property was no longer advertising. He stated the property was advertised for \$99 a night with a check out time of 4 p.m. and check-in time of 10 a.m. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Mr. Huggan stated he didn't know what he was doing and appreciates the minimum fine. He stated the removed the listing and cancelled the existing reservations.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 7, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 37 - RTL 01-22-16 - Stormy G Crossland Goodwin & Derek R Goodwin** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **710 S Peninsula Dr.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/8/2021.

Ms. Stormy Goodwin appeared via Zoom and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals are not allowed in this zoning district. He stated as of December 9<sup>th</sup>, 2021 they were no longer advertising. He stated he found the advertising on December 8, 2021 and there were 24 reviews. He stated the website listed a daily rate of \$260 per night with a check in time of 4 p.m. and check out time of 10 a.m. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Ms. Goodwin stated she heard Mr. Jackson's argument for irreparable and irreversible. She stated she purchased the property in 2019 and was on a single income. She stated she put in an application for rental license in July of 2021 and it was issued on July 30<sup>th</sup>. She stated she took the advertisement off and cancelled future reservations. She stated she had a mold issue and requested a variance. She stated she is asking for leniency.

Mr. Jackson stated they are sympathetic to Ms. Goodwin's situation and explained how the liens affect the property and person and asked for consistency from the Magistrate.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 9, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 38 - RTL 01-22-21 - Ramon Marrero** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **130 N Helme Pl**. Violation(s) – Zoning violation - the property is zoned RDM4. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/13/2021.

Mr. Ramon Marrero and Mr. Rodriguez came forward and were sworn in.

Inspector Recanzone stated the property is zoned RDM4 and short-term rentals are not allowed in this zoning district. He stated the property was no longer advertising on December 14. He stated on December 13 the property was advertised on 2 different websites. He stated the property was advertised for \$119 per night and the rules state that check in time is 3 p.m. and there was no time listed for check out. He stated the violation is irreparable and irreversible and is asking for a fine of \$2000 since there are 2 units.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 15, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 39 - RTL 01-22-22 - Iain N Apostolos & Kathlyn James Apostolos** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1215 S Peninsula Dr**. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/21/2021.

Mr. Iain Apostolos came forward and was sworn in.

Inspector Recanzone stated the property is located in SFR-5 zoning district and short-term rentals are not allowed. He stated he found the property only and as of December 22, they were no longer advertising. He stated there was 1 guest review, the rate was \$250 per night and the rules state check in time is 3 p.m. and check time is 10 a.m. He stated due to the quick response he is requesting a fine in the amount of \$1,000.

Mr. Apostolos stated he was not aware of the zoning

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 22, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 40 - RTL 01-22-23 - Roberta Lynn Soslow** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **515 Mobile Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/21/2021.

Ms. Roberta Soslow appeared via zoom and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals, known as other accommodations are not allowed in the zoning district. He stated as of December 22, the owner was no longer advertising. He stated he found the listing online on December 21<sup>st</sup> on 4 different sites. He stated the rules state check in time is 3 p.m. and check out time is 11 a.m. He stated the violation is irreparable and irreversible but the owner took quick response.

Ms. Soslow stated she heard Mr. Jackson's argument. She stated they could not rent out both houses but needed money during the pandemic.

Mr. Jackson stated City staff is requesting the minimum fine.

Ms. Soslow asked that the fine be waived and stated she used Airbnb.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature and the property is now in Compliance as of December 22, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio asked if there was any Miscellaneous Business and there was none.

The meeting was adjourned at 2:45 p.m.